

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER SADOWSKI,	:
	:
Plaintiff,	:
	:
- against -	:
	:
TRIBUNA ABIERTA, INC.,	:
	:
Defendant.	:
-----X	

23-CV-337 (VSB) (RWL)

AMENDED ORDER

VERNON S. BRODERICK, United States District Judge:

This order amends and supersedes the prior order dated February 27, 2025. (Doc. 39.)

* * *

Before me is the Report & Recommendation (the “Report”) of Magistrate Judge Robert H. Lehrburger recommending that I award Plaintiff statutory damages of \$7,200. (Doc. 37 (“Report”).) No party has filed an objection to the Report. For the following reasons, I ADOPT the Report in full.

The Report contains a detailed summary of the factual background and procedural history in the case, which I adopt in full. Plaintiff, a photojournalist, initiated this action on January 13, 2023, asserting a single count of copyright infringement for Defendant’s unauthorized use of Plaintiff’s copyrighted photograph. (*See* Doc. 1.) Defendant failed to respond, and on Plaintiff’s motion, (Doc. 14), on August 30, 2023, I entered a default judgment against Defendant as to liability, (Doc. 31). The same day, I issued a referral to Judge Lehrburger for a damages inquest. (Doc. 30.) Judge Lehrburger issued his Report on April 16, 2024, recommending an award of

\$7,200 in statutory damages; pre-judgment interest at the rate set forth in 28 U.S.C. § 1961(a),¹ starting from commencement of the action; and \$3,647.52 in attorneys' fees and costs. (Report 18.) Plaintiff submitted proof of service of the Report on Defendant on April 19, 2024. (Doc. 38.) No party has objected to the report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

Although the Report explicitly provided that “[p]ursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days to file written objections to this Report & Recommendation,” and warned that “[f]ailure to file timely objections will result in a waiver of the right to object and will preclude appellate review,” (Report 18), no party filed an objection or requested additional time to do so. I have reviewed Judge Lehrburger’s thoughtful and well-reasoned Report for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.


For the foregoing reasons, I ADOPT the Report in its entirety.

¹ The statute provides that interest shall be calculated “at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment.” 28 U.S.C. § 1961(a).

The Clerk of Court is respectfully directed: (1) to enter judgment in Plaintiff's favor of \$7,200 in statutory damages; pre-judgment interest on the statutory damages at a rate of 4.12% starting from January 13, 2023 and ending on the date of the judgment; and \$3,647.52 in attorneys' fees and costs; and (2) to close the case.

SO ORDERED.

Dated: March 4, 2025
New York, New York


Vernon S. Broderick
United States District Judge